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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

Case No. 2:22-mj-726-BNW

10 Plaintiff,

Stipulation to Extend Deadlines to
Conduct Preliminary Hearing and
File Indictment
(Third Request)

11 v.

12 SHAVONTE HILL,

13 Defendant.

14
15 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M.
16 Frierson, United States Attorney, and Kimberly M. Frayn, Assistant United States
17 Attorney, counsel for the United States of America, and Andrew Leavitt, Esq., counsel for
18 Defendant Shavonte Hill, that the Court vacate the Preliminary Hearing schedule for
19 January 25, 2023, and continue it for forty-five (45) days. This request requires that the
20 Court extend two deadlines: (1) that a preliminary hearing be conducted within 14 days of a
21 detained defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an
22 information or indictment be filed within 30 days of a defendant's arrest, *see* 18 U.S.C.
23 § 3161(b).

24 This stipulation is entered into for the following reasons:

1 1. Defendant and Mr. Leavitt, Esq. need additional time to review the
2 discovery, conduct any necessary follow up investigation, and engage in pretrial motion
3 practice, if warranted, before the Preliminary Hearing. Also, the parties are communicating
4 to see if this matter can be resolved by plea negotiation. If so, the preliminary hearing could
5 be vacated to conserve judicial resources once a change of plea hearing is held.

6 2. Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold the
7 preliminary hearing within a reasonable time, but no later than 14 days after the initial
8 appearance if the defendant is in custody . . .”

9 3. However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a
10 showing of good cause—taking into account the public interest in the prompt disposition of
11 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more
12 times . . .”

13 4. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny
14 information or indictment charging an individual with the commission of an offense shall be
15 filed within thirty days from the date on which such individual was arrested or served with a
16 summons in connection with such charges.”

17 5. Additionally, Defendant needs additional time to investigate potential
18 defenses to make an informed decision as to how to proceed.

19 6. Accordingly, the parties jointly request that the Court schedule the
20 preliminary hearing in this case no sooner than 45 days from the current hearing date,
21 January 25, 2023.

22 7. Defendant is in custody and agrees to the extension of the 14-day deadline
23 imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C.
24

1 § 3161(b), provided that the information or indictment is filed on or before the date ordered
2 pursuant to this stipulation.

3 8. The parties agree to the extension of that deadline.

4 9. Accordingly, the additional time requested by this stipulation is allowed
5 under Federal Rule of Criminal Procedure 5.1(d).

6 10. In addition, the parties stipulate and agree that the time between today and
7 the scheduled preliminary hearing is excludable in computing the time within which the
8 defendant must be indicted, and the trial herein must commence pursuant to the Speedy
9 Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C.
10 § 3161(h)(7)(B)(i) and (iv).

11 11. This is the third request for an extension of the deadlines by which to conduct
12 the preliminary hearing and to file an indictment.

13 DATED this 20th day of January, 2023.

14 Respectfully submitted,

15 JASON M. FRIERSON
United States Attorney

16 /s/ Andrew Leavitt, Esq.
17 ANDREW LEAVITT, ESQ.
Counsel for Defendant HILL

18 /s/ Kimberly M. Frayn
19 KIMBERLY M. FRAYN
20 Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No. 2:22-mj-726-BNW

Plaintiff,

V.

SHAVONTE HILL,

**Order on Stipulation to
Extend Deadlines to Conduct
Preliminary Hearing and
File Indictment**

Defendant.

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for January 25, 2023 be vacated and continued to March 10, 2023 at 1:00 p.m.

DATED: January 20, 2023.

UNITED STATES MAG.

UNITED STATES MAGISTRATE JUDGE